

ESTTA Tracking number: **ESTTA312748**

Filing date: **10/21/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	K-2 Corporation		
Entity	Corporation	Citizenship	Indiana
Address	4201 6th Avenue South Seattle, WA 98108 UNITED STATES		

Attorney information	Cindy L. Caditz Christensen O'Connor Johnson Kindness PLLC 1420 Fifth Avenue, Suite 2800 Seattle, WA 98101-2347 UNITED STATES cindy.caditz@cojk.com, stacey.kalata@cojk.com, litdoc@cojk.com Phone:206-682-8100
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### Applicant Information

Application No	77719913	Publication date	09/22/2009
Opposition Filing Date	10/21/2009	Opposition Period Ends	10/22/2009
Applicant	Dallmann, Matthew R. 12446 Castlemain Trail Orlando, FL 32828 UNITED STATES		

### Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Stickers, bumper stickers, appliques in the form of decals, decals
Class 025. All goods and services in the class are opposed, namely: Clothing geared towards extreme sports enthusiasts, namely, shirts, pants, jackets, footwear, hats and caps, bathing suits for men and women, bathing trunks, beachwear, belts, bicycle gloves, board shorts, ski boots, snowboarding boots, boxer shorts, visors, cargo pants, coats, heavy coats, winter coats, ski jackets, snowboarding jackets, fleece pullovers, flight suits, gloves, hooded sweatshirts, socks, jerseys, knitted caps, knitted gloves, long underwear, long-sleeved shirts, t-shirts, turtlenecks, motorcycle gloves, motorcycle jackets, motorcyclist boots, mountaineering boots, ski pants, snowboarding pants, pullovers, shorts, ski and snowboard shoes and parts thereof, ski bibs, ski boot bags, ski gloves, ski masks, ski suits, skiwear, skullies, snowboarding suits, snowboard gloves, surf wear, tank tops, underclothes, wetsuits, wristbands

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1878248	Application Date	09/03/1992
Registration Date	02/07/1995	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1992/09/00 First Use In Commerce: 1992/12/00 snowboards and accessories for snowboards; namely, snowboard boots, snowboard bindings and parts therefor, snowboard boot bags and snowboard leashes		

Attachments	3154_Notice_of_Opposition.pdf ( 4 pages )(30429 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Cindy L. Caditz/
Name	Cindy L. Caditz
Date	10/21/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Matthew R. Dallmann

International Classes: 16 and 25

Serial No.: 77/719,913

Published for Opposition: September 22,  
2009

Filed: April 22, 2009

Mark: i.RIDE

Attorney Docket No.: KRIDE 6 3154

Goods: Stickers, bumper stickers, appliques in the form of decals, decals in International Class 16; Clothing geared towards extreme sports enthusiasts, namely, shirts, pants, jackets, footwear, hats and caps, bathing suits for men and women, bathing trunks, beachwear, belts, bicycle gloves, board shorts, ski boots, snowboarding boots, boxer shorts, visors, cargo pants, coats, heavy coats, winter coats, ski jackets, snowboarding jackets, fleece pullovers, flight suits, gloves, hooded sweatshirts, socks, jerseys, knitted caps, knitted gloves, long underwear, long-sleeved shirts, t-shirts, turtlenecks, motorcycle gloves, motorcycle jackets, motorcyclist boots, mountaineering boots, ski pants, snowboarding pants, pullovers, shorts, ski and snowboard shoes and parts thereof, ski bibs, ski boot bags, ski gloves, ski masks, ski suits, skiwear, skullies, snowboarding suits, snowboard gloves, surf wear, tank tops, underclothes, wetsuits, wristbands in International Class 25.

K-2 CORPORATION dba RIDE SNOWBOARD  
COMPANY, an Indiana corporation,

Opposer,

v.

MATTHEW R. DALLMANN, a citizen of the  
United States,

Applicant.

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

NOTICE OF OPPOSITION

Seattle, Washington 98101  
October 21, 2009

1 TO THE COMMISSIONER FOR TRADEMARKS

2 TRADEMARK TRIAL AND APPEAL BOARD:

3 K-2 Corporation dba Ride Snowboard Company, a corporation of the State of Indiana,  
4 having a place of business at 4201 6<sup>th</sup> Avenue South, Seattle, WA 98108 (hereinafter "Opposer"),  
5 believes that it will be damaged by registration of the trademark shown in Application Serial  
6 No. 77/719,913, in International Classes 16 and 25, and hereby opposes the same. As grounds  
7 for the opposition, Opposer alleges as follows.

8 1. On information and belief, Matthew R. Dallmann is a citizen of the United States  
9 having an address of 12446 Castlemain Trail, Orlando, Florida 32828 (hereinafter "Applicant").

10 2. Continuously since long prior to any date upon which Applicant can rely, Opposer  
11 has used the trademark RIDE, in association with the sale of snowboards and snowboard  
12 accessories, and winter sports clothing and clothing.

13 3. Opposer is the owner of U.S. Trademark Registration No. 1,878,248, for the mark  
14 RIDE, for snowboards and accessories for snowboards, namely, snowboard boots, snowboard  
15 bindings and parts therefor, snowboard boot bags and snowboard leashes, in International  
16 Class 28. Said registration issued February 7, 1995, in International Class 28, setting forth a date  
17 of first use of September 1992 and representing a priority date of September 3, 1992, pursuant to  
18 15 U.S.C. § 1051(b). Registration No. 1,878,248 is currently valid, subsisting, and incontestable.

19 4. The mark i.RIDE, shown in Application Serial No. 77/719,913, so resembles  
20 Opposer's mark RIDE, when used in association with the goods claimed by Application Serial  
21 No. 77/719,913, as to be likely to cause confusion, or to cause mistake, or to deceive within the  
22 meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

23 5. Opposer will be damaged by the registration sought by Applicant insofar as the  
24 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership  
25 of the mark i.RIDE for the goods claimed by Application Serial No. 77/719,913, and Applicant's  
26 exclusive right to use the mark i.RIDE, in association with the goods claimed by Application  
27

1 Serial No. 77/719,913 when, in fact, Applicant is not entitled to the full scope of such rights by  
2 virtue of Opposer's prior and continuous use of the mark RIDE, for snowboards and accessories  
3 for snowboards and clothing, which are sold in the same channels of trade in which the goods  
4 claimed by Application Serial No. 77/719,913 may be sold.

5 6. Based upon the foregoing, registration of the mark shown by Application Serial  
6 No. 77/719,913, filed April 22, 2009, is likely to cause injury and damage to Opposer.

7 WHEREFORE, Opposer respectfully requests that registration of the mark i.RIDE as  
8 shown by Application Serial No. 77/719,913, be denied under Section 2(d) of the Lanham Act,  
9 15 U.S.C. § 1052(d), and that this Opposition be sustained.

10 Please charge the filing fee of US \$600.00 to Deposit Account No. 03-1740 of Opposer's  
11 counsel noted below.

12 Please direct all correspondence to Cindy L. Caditz of Christensen O'Connor Johnson  
13 Kindness PLLC at the following address:

14 Cindy L. Caditz, Esq.  
15 Christensen O'Connor Johnson Kindness<sup>PLLC</sup>  
16 1420 5th Avenue, Suite 2800  
Seattle, Washington 98101

17 Please direct all telephone calls to Cindy L. Caditz at 206-682-8100.

18 Respectfully submitted,

19 CHRISTENSEN O'CONNOR  
20 JOHNSON KINDNESS PLLC

21 s/Cindy L. Caditz

22 Cindy L. Caditz  
23 Attorneys for Opposer  
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1 **CERTIFICATE OF FILING**

2 I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application  
3 Serial No. 77/719,913 for the mark i.RIDE is being filed with the Trademark Trial and Appeal  
4 Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below  
date.

5 Date: October 21, 2009

s/Cindy L. Caditz

6 **CERTIFICATE OF SERVICE**

7  
8 I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application  
9 Serial No. 77/719,913 for the mark i.RIDE is being duly served upon the Applicant by mailing a  
10 copy thereof via the U.S. Postal Service in a sealed envelope as first class mail with postage  
thereupon fully prepaid and addressed to:

11 Matthew R. Dallmann  
12 12446 Castlemain Trail  
Orlando, Florida 32828

13  
14 Date: October 21, 2009

*Stacey K. Kalata*